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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5315**
Sadao MIZUNO et al. : Docket No. 2003_1573
Serial No. 10/694,993 : Group Art Unit 2655
Filed October 29, 2003 : Examiner Nabil Z. Hindi

CONVERGING ELEMENT, OPTICAL HEAD,
AND APPARATUS AND METHOD OF
OPTICALLY RECORDING AND
REPRODUCING INFORMATION

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Non-Compliant Amendment mailed on September 15, 2004 indicates that the preliminary amendment filed on October 29, 2003 did not include a complete listing of claims.

Applicants note, however, that a subsequent preliminary amendment was filed on September 3, 2004 which includes a complete listing of claims, thereby curing the deficiency of the preliminary amendment filed on October 29, 2003. In particular, the amendment filed on September 3, 2004 indicates that claims 1-57 are canceled, and that claims 58-75 are added as new claims.

Applicants representative discussed the Notice of Non-Compliant Amendment with Legal Instruments Examiner Bobbie Davenport on September 17, 2004. Mr. Davenport indicated that the preliminary amendment filed on September 3, 2004 is in compliance with 37 CFR 1.121, thereby curing the deficiencies of the preliminary amendment filed on October 29, 2003.

In view of the foregoing, a full examination on the merits of the present application is respectfully requested.

Respectfully submitted,

Sadao MIZUNO et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

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September 20, 2004